

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – A.P.Civil Services (Executive Branch) Rules, 1992 – Promotion of Tahsildars, Section Officers of Secretariat and Superintendents of office of the Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad as Deputy Collectors as per seniority – Promotions - Accorded - Orders – Issued.

REVENUE (SER.I) DEPARTMENT

G.O. Ms. No. 1675

Dated : 30.08.2011.

Read the following :-

1. G.O.Rt.No.215, Revenue(Ser.I)Department, dated: 23.03.2011.
2. G.O.Rt.No.561, Revenue(Ser.I)Department, dated: 17.05.2011.
3. From the Spl.CS & Chief Commissioner of Land Administration, Lr.No. D1/1427/2010, dated: 27.08.2011.

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ORDER :

In the reference third read above, the Spl.CS & Chief Commissioner of Land Administration has informed that DPC (Review) was convened on 27.08.2011 at 11.00 AM and considered the names of Sri P.Gopala Rao, Superintendent Grade.I and Smt.S.Bhanusree, Superintendent Grade.I O/o the Spl.CS & Chief Commissioner of Land Administration for inclusion in the panel of Deputy Collectors for the year 2010-11 at City List Roster Point No. 24 and 25 respectively as against the unfilled city list quota vacancies of Deputy Collectors for the panel year 2010-2011 duly deleting the names of Sri B.Tej Sekhar, Superintendent Grade.I, O/o CSS&LR and Smt.A.Seshasayana, Superintendent Grade.I O/o the Spl.CS & Chief Commissioner of Land Administration at City List Roster Point 2 and 9 respectively from the panel of Deputy Collectors for the year 2010-2011 and requested the Government to issue necessary orders in the matter.

2. The Departmental Promotion Committee have informed that the DPC has convened on 27.08.2011 at 11.00 AM in the chambers of Spl.CS & Chief Commissioner of Land Administration to consider promotion to the eligible/ qualified Superintendents Grade.I against the unfilled city list quota vacancies of Deputy Collectors (which are arisen due to relinquishment of promotion as Deputy Collector by Smt.A.Seshasayana, Superintendent Grade.I, O/o Spl.CS & Chief Commissioner of Land Administration, Hyderabad and non-joining of Sri P.Tej Sekhar, Superintendent Grade.I, O/o CSS&LR, Hyderabad who were included in the panel of Deputy Collectors for the year 2010-2011 and posted as Deputy Collectors vide G.O.Ms.No. 219, Revenue(Ser.I)Department, dated 23.3.2011 and G.O.Ms.No. 217, Revenue(Ser.I)Department, dated 23.3.2011 respectively) in terms of the orders issued by the Government vide their G.O.Ms.No. 1569, Revenue(Ser.I)Department, dated 29.7.2011. On perusal of the seniority list of Superintendents Grade.I in the O/o Spl.CS & Chief Commissioner of Land Administration and after scrutiny of the ACRs of eligible Superintendents Grade.I, Sri P.Gopala Rao, Superintendent Grade.I and Smt.S.Bhanusree, Superintendent Grade.I, the Departmental Promotion Committee was pleased to consider the names of Sri S.Bhanusree and Sri P. Gopala Rao, Superintendents, Grade.I as fit for inclusion in the panel of Deputy Collectors for the year 2010-11, subject to outcome of orders in WP No. 30925/2010 of Hon'ble High Court and OA No. 2828/2011 of Hon'ble A.P.Administrative Tribunal.

3. Sri S.Dayanand, Special Grade Deputy Collector filed OA No. 8082/10 in the Hon'ble APAT and the Hon'ble Tribunal in its interim orders dated 19.11.2010 has directed to consider the recommendations of the High Level Committee to accommodate the employees who are likely to be reverted in the available vacancies and the desirability of creating supernumerary posts.

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Sri S.Dayanand has also filed WP No.29053/2010 in the Hon'ble High Court and the Hon'ble High Court in its interim orders in WP MP No.37015/2010 dated 01.12.2010 directed the respondents **to effect the promotions based on the seniority list but however, shall not review the panel, pending further orders** and stated that **the adhoc panels of Deputy Collectors from the panel year 1998-99 and onwards have been reviewed**. In this context the Spl.CS & Chief Commissioner of Land Administration has informed interalia that consequent review of Special Grade Deputy Collector's panels has to be taken up on the receipt of final orders in OA No. 8082/2010 and WP No.29053/2010. He has also requested the Government to take further necessary action on the DPC proposals, in consultation with the Law Department.

4. The issue has been examined earlier, in consultation with the Law Department and they have advised that due to interim orders of the Hon'ble High Court, **there is no objection to accord promotion to the category of Deputy Collectors, basing on the seniority list issued and not permissible to review the panels of the Deputy Collectors so long as the interim orders are in force.** Further they have opined that **the adhoc panels of Deputy Collectors for the year 2010-11** recommended by the DPC, the names of 193 candidates were included. Out of 193 candidates already 105 candidates are working as Deputy Collectors from the earlier panel years. Therefore the names of Tahsildars, Section Officers, Superintendents included in the panel of 2010-11 may be considered for grant of temporary promotion to the category of Deputy Collector as per seniority subject to the outcome of OA No. 8082/10 and WP No. 29053/10 pending in the Hon'ble Tribunal and the Hon'ble High Court respectively, and also advised this Department to take further action to file suitable counter affidavit in the OA and WP and pray for vacation of the interim orders of the Hon'ble High Court and dismissal of the WP for taking further action for review of the panels of the Deputy Collectors from the year 1998-99 onwards as recommended by the DPC.

5. The provisions of Rule 5 of the A.P.State & Subordinate Service Rules, 1996 is as follows :-

"SELECTION POSTS : (a) All first appointments to a State Service and all promotions / appointment by transfer in that service shall be made on grounds on merit and ability, seniority being considered only where merit and ability are approximately equal, by the appointing authority as specified in sub-rule (a) of rule 6 from the panel of candidates. Such panel shall be prepared as laid down in rule 6 by the appointing authority or any other authority empowered in this behalf.

Keeping in view of the above rule position, all promotions to the State services shall be made after approval of the DPC proceedings. In the instant case, it becomes not feasible to approve the DPC proceedings in view of the Hon'ble High Court interim orders dated: 1.12.2010 in WP MP No.37015/2010 in WP No.29053/2010. The Law Department has also advised to accord promotion to the category of Deputy Collectors basing on the seniority list.

6. The Government after careful examination and on the analogy of the orders issued in G.O. second read above, hereby accord adhoc promotion to Smt.S.Bhanusree, Superintendent, Grade.I, O/o Spl.CS & Chief Commissioner of Land Administration as approved by the Departmental Promotion Committee (Review) meeting held on 27.08.2011 at 11.00 AM and furnished by the Spl.CS & Chief Commissioner of Land Administration letter dated 27.08.2011 for the panel year 2010-11 against the unfilled city list quota vacancy of Deputy Collectors, subject to the outcome of orders in OA No. 8082/10, OA No.2828/2011 & WP No.29053/2010, and pending in the Hon'ble APAT and the Hon'ble High Court respectively and any other cases pending before any court of law.

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7. The Spl.CS & Chief Commissioner of Land Administration is directed to relieve the individual and Smt.S.Bhanusree, Deputy Collector is directed to report before the Government for further posting.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRL.SECRETARY TO GOVERNMENT

To
The Spl.CS & Chief Commissioner of Land Administration, Hyderabad.

// FORWARDED BY ORDER //

SECTION OFFICER